

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REGINALD LEWIS,

No. C 08-03062 SBA (PR)

Petitioner,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS,

Respondent.

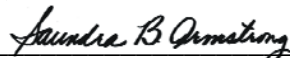
Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk of the Court sent Petitioner a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed. Petitioner did not respond to the Clerk's notice.

On September 4, 2008, the Court issued an Order Directing Payment of Filing Fee or Filing of In Forma Pauperis Application. The Clerk sent Petitioner another blank in forma pauperis application. The Court directed Petitioner to either pay the fee or return the completed application within thirty days or his action would be dismissed.

More than thirty days have passed and Petitioner has not paid the filing fee, returned the in forma pauperis application or otherwise communicated with the Court. Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Court has rendered its final decision on this matter; therefore, this Order TERMINATES Plaintiff's case.

IT IS SO ORDERED.

DATED: 10/16/08


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4
5

6 REGINALD LEWIS,

Case Number: CV08-03062 SBA

7 Plaintiff,

CERTIFICATE OF SERVICE

8 v.

9 CA DEPT OF CORRECTIONS et al,

10 Defendant.
11 _____/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on October 17, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Reginald T. Lewis P95159
19 California State Prison - San Quentin
20 San Quentin, CA 94964

21 Dated: October 17, 2008

22 Richard W. Wieking, Clerk
23 By: LISA R CLARK, Deputy Clerk
24
25
26
27
28